

Message Text

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ORIGIN EB-08

INFO OCT-01 AF-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-10 NSAE-00 FAA-00 L-03 INRE-00
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FM SECSTATE WASHDC
TO AMEMBASSY LAGOS IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR, NI

SUBJECT:CIVAIR: PAN AM SCHEDULES

1. DEPARTMENT HAS BEEN INFORMED BY PAN AMERICAN AIRLINES THAT IT HAS NOTIFIED FMG OF CERTAIN PAN AM SCHEDULE CHANGES. PAN AM PLANS TO ADD, EFFECTIVE JULY 3, ONE ROUNDTrip B-707 FLIGHT AT LAGOS, AND EFFECTIVE DECEMBER 14 TO CONVERT 707 SERVICE TO THREE WEEKLY ROUNDTrip FREQUENCIES WITH WIDE BODY B-747S.

2. IN A RESPONSE TO THE PAN AM NOTIFICATION, NIGERIAN PERMANENT SECRETARY OF FEDERAL MINISTRY OF CIVIL AVIATION HAS INDICATED THAT PAN AM "REQUEST IS RECEIVING DUE CONSIDERATION" AND THAT AIRLINE "WILL HEAR IN DUE TIME".

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3. THE BILATERAL US-NIGERIAN AIR TRANSPORT AGREEMENT AND UNDERSTANDING DOES NOT PROVIDE FOR PRIOR APPROVAL OF PROPOSED FREQUENCIES, CAPACITY OR SCHEDULES. PAN AMERICAN'S NOTIFICATION WAS STRICTLY INFORMATIONAL AND DOES NOT CONSTITUTE A REQUEST FOR APPROVAL. THE AGREEMENT DOES NOT PERMIT EITHER PARTY TO DISAPPROVE SCHEDULES UNILATERALLY. TONE OF NIGERIAN RESPONSE, HOWEVER, IMPLIES

THAT FMG MAY EXERCISE ITS DISCRETION AS TO APPROVAL.

THIS POINT (A PRIORI APPROVAL) WAS THOROUGHLY DISCUSSED DURING NEGOTIATIONS AND WORDING OF BILATERAL REPRESENTS A COMPROMISE POSITION.

4. EMBASSY IS REQUESTED TO CONTACT APPROPRIATE NIGERIAN AVIATION OFFICIALS TO DETERMINE IF FMG PLANS ANY NEGATIVE UNILATERAL ACTION. IF, AS A RESULT OF THIS MEETING, EMBASSY FEELS THERE WILL BE NO PROBLEM, THEN NO FURTHER ACTION WILL BE NECESSARY. HOWEVER, IF THERE IS CLEAR IMPLICATION OF A UNILATERAL ACTION THEN EMBASSY SHOULD REMIND FMG OFFICIALS THAT ON BASIS OF BILATERAL, PROPOSED SCHEDULE CHANGES DO NOT REQUIRE PRIOR FMG APPROVAL AND THAT ANY UNILATERAL ATTEMPT ON THEIR PART TO IMPOSE A PRIORI RESTRICTIONS ON PAN AM FREQUENCIES, CAPACITY OR TYPE OF AIRCRAFT WOULD BE CONTRARY TO THE BILATERAL AGREEMENT AND, THEREFORE, OF SERIOUS CONCERN TO USG. IF, IN FACT FMG DOES ACTUALLY REJECT, RESTRICT OR MODIFY PAA'S SCHEDULES, THIS WOULD BE A VIOLATION OF THE BILATERAL AND, THEREFORE, WOULD CONSTITUTE GROUNDS FOR RECIPROCAL USG ACTION. ANY SUCH FMG ACTION SHOULD BE REPORTED TO THE DEPT IMMEDIATELY. VANCE

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